

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- January 17, 1973

Application No. 11251 Inez R. Arrendell, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and carried by a vote of 3-1, the following Order of the Board was entered at the meeting of January 23, 1973.

ORDERED: EFFECTIVE DATE OF ORDER -- April 12, 1973

That the application for permission for a variance for the lot occupancy and the open court requirements of the R-4 District located at 332 6th Street, S.E., Lot 825, Square 874, be GRANTED.

FINDINGS OF FACT:

1. Subject property is located in an R-4 District which is defined by the Zoning Regulations as an area of row dwellings and conversions.
2. The present use of the property is residential; the applicant proposes to construct a two story rear addition to the dwelling.
3. Applicant requests a variance from the open court requirements where six feet is required, approximately 4.04 can be provided by applicant, as well as a variance from the lot occupancy requirements of the R-4 District.
4. It is the applicant's testimony that the proposed new second story structure will cover the space over the present kitchen which is 16 feet and 6 feet over the new first story addition, a total of 22 feet in depth.
5. The elevation of the new second story will be 17 feet, 8 inches.

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6. It is the applicant's intention that he is presently under a hardship as his family is extremely cramped and therefore he considers this request imperative.

7. Opposition to the requested addition by the applicant was voiced by an abutting neighbor; in essence that opposition contended that the proposed addition would cut off the light from the neighbor's dining room and one of his kitchen windows, and also the basement apartment kitchen.

8. Testimony also related to the Board that the opposition's adjacent building is a four story house; the applicant's house consists of two stories.

OPINION:

The Board has reviewed the testimony on the whole record in the application herein and has determined that justifiable reasons have been presented, which entitle the applicant to the requested relief.

This Board, pursuant to the case of Palmer v. Board of Zoning Adjustment, is obliged to make a finding that the applicant will suffer hardship or difficulties in the utilization of his property. In this case we feel that strict compliance with the area restriction would be unnecessarily burdensome.

The Board has taken into account the testimony of the opposition and has decided that it is without merit in that it is a four story structure as opposed to the applicant's two stories, and thus the interference of light and ventilation cannot adequately be altered to suit the opposition. The reason for the proposed addition having to be located as submitted is that the lot, belonging to the applicant, is situated on a long curved lot.

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We are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

BY THE ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: George A. Grogan
GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.